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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/783,527	02/15/2001	Toshiki Tanaka	121.1001	4937

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EXAMINER

PAYNE, DAVID C

ART UNIT	PAPER NUMBER
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2633

DATE MAILED: 12/15/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/783,527

Applicant(s)

TANAKA ET AL.

Examiner

David C. Payne

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5 6) ☐ Other: _____

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshimura US 5,793,917 (Yoshimura) in view of Suzuki et al. US 5,629,795 (Suzuki).

Regarding claims 1, 11, 20, 29, 30, 46 and 47

Yoshimura disclosed a dispersion compensation system for use in undersea optical lines for correcting dispersion and where the dispersion coefficient of the dispersion compensating fiber fiber is opposite in sign to that of the existing cable (e.g., col./line:

2/1-10). Yoshimura does not disclose that the third section (or inserted section) has an absolute value of dispersion per unit of length smaller than the absolute value of dispersion per unit of length of the first and the second fibers.

Suzuki disclosed a repeating system for correcting accumulated wavelength dispersion where the interested wavelength dispersion absolute value is less than the dispersion of the first or second span (e.g., col./line: 6/35-50). It would have been obvious to one of ordinary skill in the art at the time of invention to use a section that had such a dispersion since insertions are made at periodic points in the fiber to reduce accumulated dispersion which means that several inserts would effectively cancel the dispersion before reaching the receiver and therefore relatively smaller delay or winding for example can be used for smaller wavelengths offsets rather than using larger delays in one spot.

Regarding claim 42,

The modified invention of Yoshimura and Suzuki disclosed a device for splitting light traveling through the section, a device for inserting light into the section, a dispersion compensator

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(Yoshimura Figure 8).

Regarding claims 2-4, 12-14, 21-23, 31-38, Yoshimura disclosed wherein, before inserting the third fiber, the first and second fibers are adjacent to each other so that light traveling through the section travels through one of the first and second fibers and then through the other of the first and second fibers (Yoshimura Figure 4).

Regarding claims 5-8, 15-18, 24-27, 44, 45, 48 Yoshimura wherein first and second repeaters are disposed along the transmission line, the section being defined as a portion of the transmission line between the first and second repeaters (Yoshimura Figure 4).

Regarding claims 9-10, 19, 28, 39-41, 49

The modified invention of Yoshimura and Suzuki does not disclose placement of the section at a depth of greater than or equal to 1000 meters. However, it would have been obvious to

one of ordinary skill in the art at the time of invention that these cables typically lie on the ocean floor sufficiently low enough to avoid entanglement with moving vessels. Furthermore, placement of the optical cable on the ocean floor is not considered patentable over the prior art.

Regarding claim 43 the modified invention of Yoshimura and Suzuki disclosed wherein the optical fiber forming said respective section of the plurality of sections, which is not a section of said at least some sections, is non-zero dispersion shifted fiber (NZ-DSF) (Suzuki col./line: 12/50-55)

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David C. Payne whose telephone number is (703) 306-0004. The examiner can normally be reached on M-F, 7a-4p.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (703) 305-4729. The fax phone number for the

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organization where this application or proceeding is assigned is
(703) 872-9314.

Any inquiry of a general nature or relating to the status of this
application or proceeding should be directed to the receptionist
whose telephone number is (703) 305-3900.

Dcp



JASON CHAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600